

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

George Stewart, on behalf of himself
and others similarly situated,

Plaintiff,

v.

**Texas Tech University Health Sciences
Center, et al.,**

Defendants.

Case No. 5:23-cv-00007-H

**Plaintiff's Unopposed Motion To Extend Time To Respond To
Defendants' Motions To Dismiss And UT Defendants' Motion To
Sever And Transfer**

On Tuesday, September 13, 2023, the Texas Tech defendants and the UT defendants each filed motions to dismiss under Rules 12(b)(1) and (b)(6). *See* Docket Entry Nos. 33 & 35. The UT defendants also moved to sever the claims against them and have them transferred to the Western District of Texas. *See* Docket Entry No. 36. Mr. Stewart's response to each of these three motions is currently due on Tuesday, October 3, 2023. *See* Local Rule 7.1(e).

Mr. Stewart respectfully requests a two-week extension of his deadline to respond to each of these three motions, which would establish a new deadline of Tuesday, October 17, 2023. Mr. Stewart is making this request because his lead counsel, Jonathan F. Mitchell, has an exceptionally busy schedule during the three-week period of time that runs from September 13, 2023, through October 3, 2023, and many of his briefing deadlines and court appearances during that time cannot be moved. Those responsibilities include:

- A petition for writ of certiorari in *Williams v. Boehringer*, No. 23-267 (SCOTUS), which was due and filed on September 15, 2023.

- An appellee's brief in *Montoya-Frazier v. Maxwell*, No. 02-23-00103-CV (Tex. App.—Fort Worth), which was due and filed on September 20, 2023.
- An in-person hearing on a motion to dismiss in *Texas Equal Access Fund v. America First Legal Foundation*, No. 1:22-cv-00728-ABJ (D.D.C.), which was held on September 20, 2023.
- A response to a motion for summary judgment in *Fund Texas Choice v. Garza*, No. 1:22-cv-00859-RP (W.D. Tex.), which is due on September 25, 2023.
- A joint notice to the Court in *Texas Equal Access Fund v. America First Legal Foundation*, No. 1:22-cv-00728-ABJ (D.D.C.), which is due on September 27, 2023.
- A court hearing on a plea to the jurisdiction in *Silva v. Noyola*, No. 23-CV-0375 (Galveston County, Texas), which will be held on September 28, 2023 at 11:00 A.M. central.
- A reply brief in support of a motion for judgment in *Bear Creek Bible Church v. EEOC*, No. 4:18-cv-00824-O (N.D. Tex.), which is due on September 29, 2023.
- A bill of costs in *Jackson v. Wright*, No. 22-40059 (5th Cir.), which is due on September 29, 2023.
- A reply brief in support of waiving local counsel requirement in *International Partners For Ethical Care, Inc. v. Inslee*, No. 3:23-cv-05736-DGE (W.D. Wash.), which is due on October 6, 2023.
- An opening appellate brief and appendix in *Christian Labor Ass'n v. City of Duluth*, No. 23-2450, which is due on October 6, 2023.
- A mediation conference in *Sargent v. School District of Philadelphia*, No. 2:22-cv-01509-CFK (E.D. Pa.), which will be held on October 10, 2023 at 10:00 A.M. eastern time.

Mr. Mitchell operates as a solo practitioner, and his responsibilities in these cases will make it difficult if not impossible for him to complete the responses to the de-

fendants' motions within the three-week window provided in the local rules. The extension is sought not for the purposes of delay, but so that plaintiff's counsel will be able to prepare briefs that will be helpful to this Court. We have conferred with counsel for the defendants and they are unopposed to this request.

CONCLUSION

The motion for extension of time should be granted. The Court should order the plaintiff to respond to each of the motions to dismiss (Docket Entry Nos. 33 & 35) and the UT defendants' motion to sever and transfer (Docket Entry No. 36), no later than Tuesday, October 17, 2023.

Respectfully submitted.

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Dated: September 24, 2023

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CERTIFICATE OF CONFERENCE

I certify that I have conferred with Layne Kruse, counsel for the UT defendants, and Benjamin Walton, counsel for the Texas Tech defendants, and each of them has informed me that their clients are unopposed to this motion.

/s/ Jonathan F. Mitchell
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CERTIFICATE OF SERVICE

I certify that on September 24, 2023, I served this document through CM/ECF upon:

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